

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARCUS R. SKEEM, SERGEJ-TOMISLAV BULJAN and
JEAN KRAMP

MAILED

Appeal No. 2000-0207
Application 08/892,836

APR 11 2000

ORDER REMANDING TO EXAMINER

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

An Information Disclosure Statement (IDS) was filed July 5, 1997 (Paper No. 18). It is not apparent from the record that the examiner properly considered the IDS submitted in accordance with the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Further, a first declaration (attached to Paper No. 11) and a petition to change inventorship (Paper No. 14) were filed June 2, 1997. There is no indication in the record that either submission has been considered by the examiner.

In addition, Amendment B filed June 2, 1997 (Paper No. 11) was approved for entry by the examiner in his office action of June 12, 1997 (Paper No. 13). The amendment remains unentered.

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The copy of Claim 28 as submitted in Appellants' Brief and indicated by the examiner to be a correct copy does not appear to agree with the claim presented by appellants in their amendment filed on June 2, 1997 in Paper No. 11. The first two lines of part (c) should read as follows: "c) a first uppermost cutting level comprising superabrasive gains and successive uppermost cutting levels among the plurality of cutting levels of each tooth;".

Accordingly, it is

ORDERED that the application is remanded to the Examiner for the following matters:

(1) consideration of the IDS (Paper No. 18) in accordance with the pertinent rules;

(2) consideration of the Declaration (attached to Paper No. 11);

(3) consideration of the petition to change inventorship (Paper No. 14);

(4) appropriate entry of Amendment B (Paper No. 11);

(5) correction of the appendix of claims on appeal so as to include a correct copy of appealed claim 28; and

(6) for such further action as may be appropriate.

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The examiner is required to notify the appellants in writing of the steps taken to address the items listed above.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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